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13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
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16 CLIFTON JEROME MCDANIEL,

CV F 02 5091 AWI SMS P

17 Plaintiff,

18 v.

ORDER STRIKING PLAINTIFF'S RESPONSE
TO DEFENDANT'S REPLY (Doc. 69)

19
20 GEORGE ORTIZ, et. al.,

21 Defendants.
22 _____/

23 Clifton Jerome McDaniel ("plaintiff") is a state prisoner proceeding pro se and in forma
24 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

25 On March 2, 2005, defendants filed a Motion to Dismiss the action. Plaintiff filed his
26 Opposition to the Motion on March 11, 2005. On March 22, 2005, defendants filed a Reply to
27 Plaintiff's Opposition. On March 31, 2005, plaintiff filed a Response to Defendant's Reply.
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1 The Local Rules provide for a motion, an opposition, and a reply. Local Rule 78-230(c),
2 (d). However, neither the Local Rules nor the Federal Rules of Civil Procedure provide the right
3 to file a surreply, and the Court neither requested one from plaintiff or granted him permission to
4 file one. See, Rule 56, Fed.R.Civ.P.

5 Accordingly, the Court HEREBY ORDERS:

- 6 1. Plaintiff's "Response to Defendants Reply" filed March 31, 2005, is STRICKEN
7 from the record.

8
9 IT IS SO ORDERED.

10 **Dated: April 25, 2005**
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE